THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1938.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Insertion of new section 22A in Act XVI of 1908.
3. Amendment of section 51 of Act XVI of 1908.
4. Amendment of section 69 of Act XVI of 1908.
5. Substitution of new section 70B for section 70B in Act XVI of 1908.
6. Amendment of section 70D of Act XVI of 1908.
7. Insertion of new section 70E in Act XVI of 1908.
8. Validity of copies made prior to enactment of this Act.

BOMBAY ACT No. XXIV OF 1938.[1]

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1938.]

[*8th February 1939.*]

An Act to amend the Indian Registration Act, 1908,[2] in its application to the Province of Bombay.

XVI of 1908. WHEREAS it is expedient to amend the Indian Registration Act, 1908, in its application to the Province of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1938. Short title.

XV. of 1908. **2.** After section 22 of the Indian Registration Act, 1908, hereinafter called the said Act, the following section shall be inserted, namely:— Insertion of new section 22A in Act XVI of 1908.

"22A. (*1*) The Provincial Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy. Documents registration of which is opposed to public policy.

(*2*) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (*1*) is applicable."

3. To section 51 of the said Act, the following new sub-section shall be added, namely:— Amendment of section 51 of Act XVI of 1908.

"(*5*) If, in the opinion of the Registrar, any of the books mentioned in sub-section (*1*) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may by a written order direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purposes of this Act be deemed to have taken the place of and to be the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so recopied and authenticated."

4. In sub-section (*1*) of section 69 of the said Act,— Amendment of section 69 of Act XVI of 1908.

(*i*) to clause (*g*) the following shall be added, namely:—

"and the manner of recopying such books or portions thereof";

(*ii*) in clause (*gg*)—

(*a*) for the word "and" after the word "negatives" a comma shall be substituted; and

(*b*) the following shall be added at the end, namely:—

"and the procedure generally in the Government Photo Registry"

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1938, Part V, pp. 357 and 658; For Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1938, Vol. 4, pp. 3715-3718; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1938, Vol. 5, pp. 250-252.

[2] *See* Unrepealed Central Acts, Vol. V, p. 433.

Substitution of new section 70B for section 70B in Act XVI of 1908.

5. For section 70B of the said Act the following shall be substituted, namely :—

Definitions.

"70B. In this Part—

(*1*) 'Government Photo Registry' means the office where documents are photographed under the provisions of this Part.

(*2*) 'Manager, Government Photo Registry' means the person in charge of the Government Photo Registry.

(*3*) 'Photo Registrar' means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part."

Amendment of section 70D of Act XVI of 1908.

6. In section 70D of the said Act—

(*1*) In sub-section (*1*)—

(*i*) in clause (*b*)—

(*a*) for the word "Photo Registrar" wherever it occurs the words "Manager, Government Photo Registry" shall be substituted;

(*b*) the word "exactly" shall be omitted; and

(*ii*) after the proviso to clause (*c*) the following further proviso shall be inserted, namely :—

"Provided further that in case of documents containing plans or maps, the negatives of such plans and maps may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.";

and

(*iii*) to clause (*d*) the following proviso shall be added, namely :—

"Provided that prints of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector General may direct.";

and

(*2*) After clause (*a*) of sub-section (*3*) the following shall be inserted, namely :—

"(*aa*) sub-section (*2*) of section 20 shall be omitted;"

7. After section 70D of the said Act, the following new section shall be inserted namely :— Insertion of new section 70E in Act XVI of 1908.

" 70E. (*1*) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer is not in a fit condition to be photographed. Savings.

(*2*) Nothwithstanding anything contained in this Part, in the case of any document containing a map, plan, or trademark label, if the party presenting the document so desires, the registering officer may accept true copies of such map, plan or trademark label and where such true copies are accepted, the map, plan or trademark label shall not be photographed and such copies thereof shall be filed in the appropriate book."

8. Notwithstanding anything contained in the said Act, copies of any of the books mentioned in sub-section (*1*) of section 51 of the said Act or any portion of such book, prepared before the enactment of this Act and authenticated in pursuance of the order of the Registrar or Inspector General shall for the purposes of the said Act be deemed to have taken the place of and to be the original book or portion ; and all references in the said Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated. Validity of copies made prior to enactment of this Act.